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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Sudan

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.16-15647(E)

1615647

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Positions of the Republic of the Sudan on the 54 recommendations, presented to the state during the 25th session of the UPR Working Group, which the state designated for consideration and response before the thirty-third session of the Human Rights Council.

No	*Recommendation*	*Position of the State*	*Clarifications (if any)*
140.1.	Proceed with the ratification of international human rights treaties and other relevant international instruments to which the Sudan is not yet a party (Chile).	Noted	Ratifying many of the international human rights treaties is under consideration.
140.2.	Ratify international human rights treaties, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Poland).	Noted	
140.3.	Sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women (Slovakia) (Sierra Leone) (Belgium); ratify the Convention on the Elimination of All Forms of Discrimination against Women (Lebanon) (Timor-Leste) (Viet Nam) (Guatemala) (Turkey) (Algeria) (Italy) (Botswana) (France) (Georgia) (Montenegro) (Honduras) (Indonesia) (Angola) (Senegal) (Poland) (El Salvador).	Noted	Ratifying CEDAW is under consideration
140.4.	Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Italy).	Noted	
140.5.	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (El Salvador).	Noted	
140.6.	Ratify the Convention on the Elimination of All Forms of Discrimination against Women and adopt a law prohibiting genital mutilations (Luxembourg).	Noted	
140.7.	Ratify the Convention on the Elimination of All Forms of Discrimination against Women and deepen efforts to eliminate discriminatory legal provisions that limit the rights of women (Uruguay).	Noted	
140.8.	Ratify the Convention on the Elimination of All Forms of Discrimination against Women and eliminate discriminatory practices, especially during conflict (Greece).	Noted	Ratifying CEDAW is under consideration.
140.9.	Ratify the Convention on the Elimination of All Forms of Discrimination against Women and prohibit female genital mutilation (Costa Rica).	Noted	Ratifying CEDAW is under consideration.

140.10.	Ratify the Convention on the Elimination of All Forms of Discrimination against Women to ensure full gender equality and adopt a comprehensive national action plan with clear goals and deadlines to eliminate all forms of violence against women, including sexual violence and female genital mutilation (Latvia).	Noted	
140.11.	Ratify the Convention on the Elimination of All Forms of Discrimination against Women and adopt a National Action Plan on Security Council resolution 1325 on women, peace and security (Sweden).	Noted	Ratifying CEDAW is under consideration, the national Plan of Action on 1325 has been drafted and in the adoption process.
140.12.	Ratify the Optional Protocol to the Convention against Torture (Guatemala) (Italy) (Togo) (Czech Republic) (Honduras) (South Africa) (Lebanon) (Poland).	Noted	
140.13.	Consider ratifying the Optional Protocol to the Convention against Torture (Ghana).	Supported	
140.14.	Ratify the international treaties to which the state is not yet party, particularly the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Madagascar).	Noted	
140.15.	Conclude the ratification of the remaining instruments in particular the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Elimination of All Forms of Discrimination against Women, which have been pending since the 2011 review (Kenya).	Noted	
140.16.	Accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Albania).	Noted	
140.17.	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Niger) (Honduras) (Guatemala) (El Salvador).	Supported	

140.18.	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Slovakia); ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Honduras) (Niger).	Supported
140.19.	Ratify the Convention against Discrimination in Education (Congo).	Supported
140.20.	As a way to strengthen article 69 of the 2010 Child Act, remove from national legislation all forms of corporal punishment and abolish corporal punishment in the penal system (Uruguay).	Noted
140.21.	Repeal all laws that discriminate against women and girls and ensure conformity with international standards (Iceland).	Supported
140.22.	Adopt legislation prohibiting the dissemination of ideas and expressions of racial hatred and violence against any group of persons (Lithuania).	Supported
140.23.	Reconsider amendments to the constitution, other laws and policies that contradict with the Sudan's international obligations, including international human rights law and international humanitarian law (Slovakia).	Supported
140.24.	Make progress towards the abolition of the crime of apostasy and the elimination of other laws and practices contrary to freedom of religion and/or belief (Spain).	Supported
140.25.	Revise the 1991 Penal Code and abolish the penalization of apostasy (Australia) (Italy).	Supported
140.26.	Amend the National Security Act of 2010 to abolish the criminal immunity enjoyed by security officers (Spain).	Noted
140.27.	Reform the National Security Act (2010) so it adheres to international standards, including by removing provisions that provide National Intelligence and Security Service officers with immunity from prosecution (United Kingdom of Great Britain and Northern Ireland).	Noted

140.28.	Revisions to the National Security Act, which allows for civil and criminal immunity for security forces in relation to serious human rights violations and abuses committed in their official capacity, and those responsible for serious human rights violations and abuses be held to account (Australia).	Noted
140.29.	Amend the 2010 National Security Act, removing immunities from members of the National Intelligence and Security Services and revoking their powers of arrest and detention (Canada).	Noted
140.30.	Review the National Security Act, in particular the extensive powers granted to the National Intelligence and Security Services, to bring it in line with international human rights law (Denmark).	Noted
140.31.	Cooperate fully with United Nations and other international human rights monitors to help promote accountability (United States of America).	Supported
140.32.	Concretize the visit of special procedures on racism and enforce disappearances (Costa Rica).	Supported
140.33.	Extend a standing invitation to all special procedures and respond positively to pending visit requests (Iceland).	Noted
140.34.	Extend a standing invitation to all special procedure mandate holders (Latvia) (Lithuania) (Poland).	Noted
140.35.	Cooperate fully with special procedures mandate holders and UNAMID (Ukraine).	Supported
140.36.	Review and amend legislation containing discriminatory provisions towards women such as, inter alia, the Personal Status Law and the Criminal Law, and adopt a national action plan on gender equality (Czech Republic).	Supported
140.37.	Pursue the objective of peace in Darfur in promoting especially the rights of the minorities (Senegal).	Supported
140.38.	Cease immediately aerial bombardments and allow free access for humanitarian aid to areas of conflict so as to meet its obligations under international law (Germany).	Noted

140.39.	Allow unrestricted and independent humanitarian access to all areas which are still affected by conflicts in order to make it possible to provide assistance to civilians, in particular women and children (Italy).	Supported	
140.40.	That the Government ends violent suppression of protestors and arbitrary detention of political activists and journalists (New Zealand).	Supported	
140.41.	Criminalize violence against women and girls, female genital mutilation and marital rape (Iceland).	Noted	Violence against women and marital rape are criminalized in the penal code, while FGM is being combated by both awareness raising and preventing the practice.
140.42.	Adopt legislation to prevent and punish child marriage, by setting18 as the legal age for marriage, for both women and men (Madagascar).	Noted	Legislations are being developed parallel with awareness raising campaigns to combat child marriage.
140.43.	Raise the minimum age of marriage to 18 (Sierra Leone).	Supported	
140.44.	Investigate allegations of international humanitarian law and human rights violations by armed and security forces in a prompt, transparent and impartial manner and ensure that perpetrators of violations are brought to justice (France).	Supported	
140.45.	Take immediate measures to conduct independent inquiries into all human rights violations, including allegations of extrajudicial executions, torture and other cruel, inhuman or degrading punishment or treatment, and international humanitarian law, as well as to bring perpetrators to justice (Switzerland).	Supported	
140.46.	Ensure mass rapes, and sexual and gender-bases violence are promptly, independently that all allegations of torture and ill-treatment, as well as and thoroughly investigated and to take all the necessary measures to bring perpetrators to justice (Portugal).	Supported	

140.47.	Take measures to end and prevent attacks against civilians. Conduct transparent investigations of allegations of human rights violations and abuses, and hold perpetrators accountable (Canada).	Supported	
140.48.	Protect human rights in Darfur and the Two Areas, including by ending violence, ensuring accountability for deaths and sexual violence, granting humanitarian access, and allowing aid agencies and NGOs to implement human rights programmes (United Kingdom of Great Britain and Northern Ireland).	Supported	
140.49.	Take urgent steps to facilitate the work of human rights defenders and civil society, including through guaranteeing freedom of expression and the media and protection of all persons from intimidation, threats, attacks or reprisals for seeking to cooperate with the United Nations; and through allowing unimpeded humanitarian access to conflict affected populations, with appropriate protection to humanitarian actors (Ireland).	Supported	
140.50.	Protect human rights defenders and journalists from violence and arbitrary arrests, to address impunity for crimes against human rights defenders and journalists and to notify the United Nations Educational, Scientific and Cultural Organization of the status of the judicial inquiry into the murder of journalists (Netherlands).	Supported	
140.51.	In relation to armed conflicts in Darfur, South Kordofan and Blue Nile, with multiple attacks against the civilian population, take concrete measures for the displaced population and in order to facilitate for humanitarian access (Spain).	Supported	
140.52.	Restore the cessation of hostilities declaration that reduced violence in Darfur and the Two Areas and facilitate immediate and unfettered humanitarian access to conflict areas (United States of America).	Noted	The government has declared cessation of hostilities and willing to maintain it, but other armed actors may act in a way that necessitate practicing the Government's responsibility to protect security and stability.

140.53.	Take all necessary steps to ensure full and unhindered access by independent humanitarian organizations to civilians in need of assistance in Darfur, Blue Nile and South Kordofan (Sweden).	Supported
140.54.	Facilitate access to humanitarians in conflict zones (Congo).	Supported

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Report of the Working Group on the Universal Periodic Review*

Hungary

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1616035

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1. The Government of Hungary would like to thank the States for the constructive contributions and the 221 recommendations put forward during the second UPR of Hungary on 4 May 2016 which have been examined by the Government; the result of this process is presented thematically clustered in this Addendum as follows, together with a short explanation:

I	*II*	*III*
98 recommendations supported.	91 recommendations supported as they are already in the process of implementation and part[1] of 12 recommendations are also supported.	20 recommendations noted.

International obligations

2. Hungary constantly assesses the compatibility of its laws with its international obligations. Hungary is already party to the Rome Statute, the consistency has been ensured by the Criminal Code. The draft bill on the promulgation of the Rome Statute has been introduced to the Parliament.

3. Hungary ratified the Refugee Convention and its Protocol, the Stateless Persons Convention, the Reduction of Statelessness Convention, the Nationality of Married Women Convention and the UNESCO Convention to fight discrimination in Education.

4. Unlike ILO convention 169[2], the ratification of ILO convention 189[3] is now subject of national tripartite discussions.

5. Hungary intends to ratify the Istanbul Convention[4] after thorough examination. The ratification of the CED[5] and accepting the competence of its Committee is currently examined. Similarly, before signing the CRC-OPCP[6] it is necessary to review the relevant national law and the institutional background.

6. Hungary guarantees the fundamental rights of all persons present in its territory and is of the view that the ICRMW[7] does not bring added value compared to other instruments in this field to which Hungary has acceded. In the same vein by ratifying ICESCR[8], the European Social Charter and several other relevant instruments (ILO, CoE, EU), Hungary has committed itself to a comprehensive protection system in the field of ESC rights including the possibility to submit complaints on national and regional level. The ratification of the OP-ICESCR[9] is still being examined. The Government wishes to maintain the reservations it made to different conventions for the time being.

I.	*II*	*III*
6[10], 3[11], 13[12], 14[13], 15[14], 16[15], 20[16], 26[17], 27[18], 29[19], 134[20].	1[21], 2[22], 4[23], 5[24], 8[25].	7[26], 9[27], 10[28], 11[29], 12[30], 17[31], 18[32], 19[33].

7. Hungary fully cooperates with the Human Rights Council and its mechanisms, it organised all requested visits by HRC mandate holders, responded to all allegation letters and constantly examines the implementation of their recommendations. Hungary submitted on time its periodical reports to the CRPD[34], CEDAW[35] and CRC[36]. The Government strives to eradicate its backlog before its next UPR. Development of a national action plan regarding SC resolution 1325[37] is under consideration.

I	II	III
41[38], 42[39], 43[40], 44[41], 45[42], 136[43], 161[44], 166[45]	124[46], 163[47]	

Protection of human rights

8. Enjoyment of human rights is ensured by the new Fundamental Law. The main rules of functioning, procedure and financial independence[48] of the Constitutional Court are set in the Fundamental Law and in a cardinal act[49].

9. Concerns regarding the independence of the judiciary and rule of law have been remedied after consultations with international organisations, therefore no further legislative actions are necessary. The Government was and is ready for expert debate on these issues, but not for unfounded, biased criticism.

10. The "A" status Commissioner of Fundamental Rights (CFR) is a central element of the Hungarian protection system including monitoring detention places in conformity with the regulations of the OPCAT[50]. Its steadily increasing funding is ensured by the Parliament.

11. The new autonomous Data Protection Authority is supervising the protection of personal data and access to public data. Its status ensures independence as to its organisation, competences, personnel, budget and exercising its tasks. Costs of fulfilment of data requests can only be charged if the fulfilment of the demand involves extensive use of human resources. Restrictions of access to data of public interest are in accordance with international norms.

12. The inter-ministerial Human Rights Working Group (HRWG) monitors human rights in Hungary, advices the Government and observes the implementation of the UPR recommendations. Its Roundtable is composed of 11 thematic sub-working groups with the participation of ministries, the CFR and NGOs. Proposals are submitted to the ministers of state for follow-up action. The Government deems the sectoral human rights strategies (which have been discussed, developed and are continuously assessed with the engagement of civil society) sufficient.

I	II	III
21[51], 28[52], 30[53], 31[54], 150[55], 175[56], 176[57].	23[58], 152[59].	151[60], 156[61].

Civil society

13. Government proposals for bills and decrees are to be published on its webpage. General consultations are mandatory, direct consultations are optional. In case of a rejected opinion, reasoning for the rejection has to be uploaded. The minister may involve NGOs, churches, minority organisations, professional and scientific organisations, lobby-groups etc. in the drafting process.

14. Human rights of HRDs[62] are respected, including ones promoting the rights of Roma communities, the Government constantly consults with Roma HRDs. The Government Control Office audits the use of public funds. NGOs involved in any investigation have the right to appeal to Court. In line with international regulations there are only certain

transparency and accounting restrictions for NGOs when accessing national or foreign funding.

I	II	III
36[63], 37[64], 38[65], 39[66], 40[67], 164[68], 165[69], 167[70], 168[71].	162[72].	–

Family

15. In order to enhance the social security of families and ease the financial burden of bringing up children, the family support system provides a broad scope of benefits. Free or discounted meals are provided for children living in low-income families in educational institutions[73]. Family policies are developed in accordance with gender equality and non-discrimination requirements and are under permanent assessment based upon the necessities of the concerned social groups.

16. According to the Fundamental Law the foundation of family ties are the marriage, and the relationship between parents and children. It also declares that Hungary shall protect the institution of marriage as the union of a man and a woman established by voluntary decision, and the family as the basis of the nation's survival. It is imperative that legislation is in accordance with the Fundamental Law.

I	II	III
22[74].	47[75], 170[76].	126[77].

Vulnerable groups

17. No child shall be subject to torture, corporal punishment or any other cruel, inhuman or degrading punishment or treatment. The Hungarian child protection service involves the child rights representatives and the independent child protection guardians. The "A" status Fundamental Rights Commissioner also pays special attention to the protection of the child rights, the interests of future generations and the rights of the most vulnerable social groups including minorities. Temporary shelter and care is available for endangered children and their parent(s). The National Institute of Child Health developed new methodology and a counselling website. Anti-abuse programmes and trainings are organised for experts and parents.

I	II	III
33[78], 34[79], 35[80].	25[81], 140[82].	–

18. The planned new Criminal Procedure Code will include further guarantees to take into account the best interest of the children in the juvenile justice system. The new rules of the Criminal Code regarding detention and reintegration of children, in particular those between the ages of 12-14, are more favourable compared to older offenders.

I	II	III
153[83], 154[84].	–	125[85], 141[86].

19. The current legislation ensures the participation of women in political life and in decision-making, therefore no further legislative steps are necessary. However, the current comprehensive strategy aims to combat remaining gender stereotypes through new programs, media campaigns and projects for NGOs. Marriage under the age of 16 is not allowed. Between 16-18 years it is possible only with the permission of the Guardianship Office which takes into account the best interest of the child.

I	II	III
39[57], 57[58], 62[59], 64[60], 131[61].	53[62], 58[63], 59[64], 63[65], 65[66], 66[67], 68[68], 123[69], 171[70].	–

20. Hungary continues preventing violence against women through national strategies and policy actions. Expansion of the system of shelters, new forms of victim support services, intensified awareness-raising and prevention programmes are envisaged. With the ongoing ratification of the Istanbul Convention, current legislation will be updated. A wider range of violence against women, including partnership violence, sexual duress etc. has been included in the new Criminal Code.

I	II	III
131[101], 132[102], 139[103].	60[104], 130[105], 133[106], 135[107], 137[108], 138[109].	–

21. A new national program is being developed with the aim of strengthening the reproductive health services in particular for vulnerable groups. In case of patients with HIV/AIDS, treatment and prevention of HIV transmission is in focus.

I	II	III
–	172[110].	–

22. Hungary will also maintain its commitment to combat human trafficking. Efforts are enhanced due to the migration crisis including cross-border cooperation and victim-protection.

I	II	III
142[111], 143[112], 144[113], 145[114], 146[115], 147[116], 148[117], 149[118].	–	–

23. The Fundamental Law obliges the State to introduce specific measures to protect persons with disabilities. A new working group reviews i.e. the regulation and the case law of „supported decision making" and the suffrage issues. Deprivation of the right to vote due to mental status is now possible only by court decision. Mentally incapacitated or partially capacitated persons have the right to receive the appropriate information with respect to their age, mental capacities and psychological status.

I	II	III
177[119], 178[120], 181[121], 182[122], 183[123].	179[124], 180[125].	–

24. The Fundamental Law and the Equal Treatment Act prohibits discrimination on any ground thus on gender identity and sexual orientation. Coherent jurisprudence of courts is steadily developing. A new independent strategy is not envisaged for the time being. Nevertheless the LGBTI Roundtable of the above mentioned HRWG regularly examines the situation.

I	II	III
–	118[126], 119[127], 120[128], 121[129], 122[130].	–

Minorities including Roma, discrimination, hate acts

25. Fundamental rights are guaranteed at constitutional level without discrimination on any ground. The detailed anti-discrimination provisions can be found in the Equal Treatment Act which is in line with relevant international norms. These rules apply also to participation in political life and in decision-making. An autonomous Equal Treatment Authority monitors and acts upon discrimination cases and exercises its tasks and competences free from any outside influence; its budget is guaranteed by the Parliament.

I	II	III
32[131], 39[132], 52[133], 55[134].	49[135].	–

26. Hungary is taking comprehensive measures against racial discrimination and segregation. The National Social Inclusion Strategy and its multisector Action Plan includes inclusion policies on child well-being, education, employment, health, housing as well as integration, awareness-raising. These measures[136] put special emphasis on Roma women and children. The 2nd Action Plan (2015–2017) takes steps for broader social inclusion in particular in the labour, cultural, political and educational sectors. Health care is provided equally for each and every entitled person without any discrimination including ethnicity.

I	II	III
50[137], 51[138], 54[139], 56[140], 67[141], 71[142], 72[143], 84[144], 89[145], 94[146], 95[147].	61[148], 85[149], 87[150], 88[151], 90[152].	–

27. Hungary guarantees protection of national minorities at constitutional level. Details are regulated in a cardinal act. According to the Venice Commission[153] this act "confirms Hungary's internationally recognised commitment to minority protection". The new electoral law introduced preferential mandates in the Parliament: nationalities' candidates need ¼ of the number of votes required for a majority mandate. Should a nationality fail to achieve this number, they may delegate a nationality advocate ("spokesperson"). This system ensures a fair balance between the rights of national minorities, the individual citizens' right to self-determination and the transparency of elections.

I	II	III
93[154].	–	–

28. Hungary offers free mother tongue education for minorities as well as guarantees teaching minority culture. To improve access to quality education the Government introduced several measures and programs in partnership with minority representatives to support disadvantaged students, including Roma.

I	II	III
70[155], 73[156], 75[157], 92[158].	76[159], 81[160], 82[161], 86[162], 91[163], 173[164], 174[165].	–

29. The Government takes stern action[166] against hate acts. The new Criminal Code contains enhanced provisions[167] against anti-Semitism, hate speech and action against violations of freedom of conscience and religion. In addition, the new Civil Code also provides the possibility for individuals and communities to launch civil law suits. Training is provided for judges and prosecutors to enhance measures against hate crimes. A specialized police unit monitors the media and evaluates investigation data to signal possible hate crime acts as well as advises other police units. The Working Group against Hate Crimes serves as a forum for cooperation between the Government and relevant NGOs. The National Victim Service provides assistance for victims of crimes including hate crimes.

I	II	III
77[168], 78[169], 97[170], 98[171], 99[172], 102[173], 103[174], 108[175], 110[176], 111[177], 112[178], 113[179], 114[180], 115[181], 116[182], 117[183].	46[184], 48[185], 107[186], 109[187].	–

30. Since 1989, the provisions of the Criminal Code sanctioning hate crimes extend to actions committed against the dignity of the Hungarian nation. The Fundamental Law and the case-law of the Constitutional Court ensures the balance[188] between freedom of speech and right to dignity of national, ethnic, racial or religious groups.

I	II	III
104[189].	–	–

Asylum seekers and migrants

31. Hungary grants asylum and established procedures in line with international and regional standards, including the 1951 Refugee Convention. Hungary firmly believes that protection should be provided for those who are in real danger, with special attention to women and children. The Government is striving to improve the living conditions of refugees and asylum seekers. Care and support provided, are in line with EU and international regulations[190].

I	II	III
–	69[191], 74[192], 80[193], 83[194], 96[195], 100[196], 101[197], 105[198], 106[199], 184[200], 186[201], 188[202], 189[203], 190[204], 192[205], 193[206], 194[207], 195[208], 196[209], 197[210], 198[211].	–

	199[212], 203[213], 204[214], 205[215], 206[216], 208[217], 209[218], 210[219], 211[220], 213[221], 214[222], 215[223], 216[224], 218[225].	

32. Detention of asylum seekers is exceptional[226] and serves as a last resort to ensure the presence of the applicant. Alternative measures[227] are used as a priority before detention. Families with children may only be detained exceptionally and for a maximum of 30 days, if it is in the best interest of the child. Care of unaccompanied minors is ensured in the frame of child protection service. Legal representation is provided by child protection guardians. The system complies with international standards[228]. The legitimacy of the detention is ensured by continuous judicial control. Asylum applicants are separated from detainees.

I	*II*	*III*
–	191[229], 201[230], 212[231], 217[232], 219[233].	187[234], 207[235].

33. Any excessive use of force can be challenged by the person concerned at the chief of the police unit, the head of the detention center, the prosecutor or the court. A complaint can also be launched at the Independent Police Complaints Body. As the National Preventive Mechanism according to OPCAT, the Ombudsman also regularly examines detention centers. Similar rules apply for military personnel.

I	*II*	*III*
–	202[236].	79[237], 128[238].

34. Hungary participates in voluntary resettlement schemes. Numerous refugees were resettled form Ukraine, Lebanon, Turkey and Jordan. "Illegal entry" is not criminalised in Hungary only if it is performed by breaking through the technical barrier protecting the selected section of the State border. Otherwise, illegal border crossing is not a criminal offence, but an infraction, which is only punishable by fine or community service. Rules on transit zones and safe countries are in line with the relevant provisions of the Common European Asylum System.

I	*II*	*III*
185[239].	–	200[240], 207[241], 220[242].

Other

35. The Government was and is ready for dialogue in order to address concerns raised regarding the new media regulation which was extensively discussed with relevant international organisations. As a result, current rules contain exclusively such limitations which are in line with international law, thus CoE acknowledged that the Hungarian media law had been significantly improved.

I	*II*	*III*
–	155[243], 157[244], 158[245], 159[246].	–

	160[247].	

36. Hungary continuously makes efforts to eliminate overcrowding in prisons. 757 new prison places were built between 2013 and 2015. In addition, 4374 new places will be established resulting in almost full elimination of overcrowding by 2020. In parallel, alternative measures and reduction of pre-trial detention are increasingly used, which also reduces prison population.

I	*II*	*III*
–	127[248], 129[249].	–

37. Supporting young employees and entrepreneurs, promoting training programmes are priorities. Through the Youth Guarantee Initiative 24 higher education institutions are providing training programs and have cooperation agreement with more than 500 companies allowing students to acquire experience. Another initiative fosters the return of employees working in public administration to the primary labour market.

I	*II*	*III*
–	169[250].	–

38. Sustainable and peaceful solution of conflicts necessitates genuine political will of the parties involved instead of military or economic pressure. Companies operating in the territory of parties should observe the UN Guiding Principles on Business and Human Rights which Hungary is currently incorporating into its national regulations.

I	*II*	*III*
–	–	24[251].

39. Hungary is steadily increasing its ODA contribution despite austerity measures adopted each year since 2006. The current level is 0.11%.

I	*II*	*III*
221[252].	–	–

Notes

[1] Supported parts of these recommendations are underlined in relevant footnotes.
[2] Indigenous and Tribal Peoples Convention, 1989.
[3] Domestic Workers Convention, 2011.
[4] Council of Europe Convention on preventing and combating violence against women and domestic violence.
[5] International Convention for the Protection of All Persons from Enforced Disappearance.
[6] Optional Protocol to the Convention on the Rights of the Child on a communication procedure.
[7] International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
[8] International Covenant on Economic, Social and Cultural Rights.
[9] Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
[10] Ratify the Istanbul Convention.

[11] Accept the competence of the Committee on Enforced Disappearances, in conformity with Articles 31 and 32 of the ICPPED.
[12] Consider acceding to the UN Convention on Enforced Disappearances.
[13] Accelerate the process of accession to the International Convention for the Protection of All Persons from Enforced Disappearance.
[14] Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
[15] Step up the process of consultations concerning the accession to ICPPED, as previously recommended.
[16] Fully align domestic legislation with the Rome Statute through explicit provisions on the duty to cooperate promptly and fully with the Court.
[17] Assess the compatibility of its policies and laws with its international obligations including all core principles of human rights to which Hungary is a party.
[18] Continue the efforts to harmonize national legislation with international standards in the field of human rights.
[19] Deepen its commitment with the International Criminal Court through adapting its national legislation to the Rome Statute.
[20] Strengthen efforts to combat violence against women, inter alia, by ratifying the Istanbul Convention.
[21] Widen the scope of international obligations through accession to the remaining international treaties, such as ICRMW, ICPPED, OP-CRC-IC and OP-ICESCR.
[22] Consider ratifying the ICRMW, ILO Convention 189, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
[23] Consider ratifying the ICPPED, the OP-CESCR and the ICRMW.
[24] Become party to the ICRMW, the Rome Statute of the International Criminal Court, the Conventions on the refugees and stateless persons, the ILO Convention 169 and the Convention to fight discrimination in Education.
[25] Ratify the Istanbul Convention without delay.
[26] Withdraw its reservation on pertinent articles of the ICERD, ICESCR, ICCPR and the Optional Protocol to the CRC on children in armed conflict.
[27] Sign and ratify ICRMW.
[28] Ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.
[29] Consider ratifying the ICRMW.
[30] Ratify ICRMW, as previously recommended.
[31] Ratify the Optional Protocol to the Convention on the Rights of the Child on a communication procedure.
[32] Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
[33] Ratify the OP-ICESCR.
[34] Convention on the Rights of Persons with Disabilities.
[35] Convention on the Elimination of Discrimination against Women.
[36] Convention on the Rights of the Child.
[37] United Nations Security Council Resolution 1325 on women, peace and security.
[38] Continue with the efforts aimed at ensuring timely cooperation with treaty bodies, regarding the submission of its over-due national reports.
[39] Submit overdue reports to CERD, Committee on Economic, Social and Cultural Rights and to the Human Rights Committee.
[40] Intensify efforts aimed at implementing recommendations of treaty bodies and special procedures including CEDAW, CRC, Special Rapporteur on Racism and the Working Group on Arbitrary Detention.
[41] Take appropriate measures to progressively reduce the existing backlog of overdue reports to the UN Treaty Bodies.
[42] Submit overdue reports to the Human Rights Committee, CESCR and CAT.
[43] Adopt a National Action Plan on Security Council Resolution 1325 on Women, Peace and Security.
[44] Give full consideration to the recommendations of the UN Special Rapporteur on the Situation of Human Rights Defenders.
[45] Positively consider and implement the recommendations presented by the Special Rapporteur on human rights defenders.

[46] Follow the recommendations of the 2014 OSCE election observation mission's final report.
[47] Implement recommendations made by UN Special Rapporteur on Freedom of Peaceful Assembly and Association regarding governmental oversight and regulations of NGOs.
[48] i.e. The budget of the Constitutional Court shall not be less than the budget allocated in the central budget of the previous year.
[49] Adoption of a cardinal act requires the votes of 2/3 majority of the Parliament. Probably the most important change concerning the rules on the competences of the Constitutional Court is the abolition of *actio popularis* and parallel, the alteration of the institution of constitutional complaint. Before the adoption of the Fundamental Law the core competence of the Court was the *ex post* review of the conformity of pieces of legislation with the Constitution, as anyone – even without a legal interest – was entitled to submit a petition asking the constitutional review of a legal norm. Abolition of this general right was even demanded by the Court itself because of the extent of its caseload. According to the new rules, such a proceeding can only be initiated by the Government, 1/4th of all Members of Parliament, the President of the Supreme Court, the Prosecutor General or the Commissioner for Fundamental Rights. At the same time, constitutional judges also urged the introduction of the „real", that is, the German type of constitutional complaint. It may be lodged at the Court mainly when a right guaranteed by the Fundamental Law of the petitioner is violated by a judicial decision. The Venice Commission examined the modification of the regulation on the Court and on the whole it formed a positive opinion.
[50] Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
[51] Continue further improvement of the protection and promotion of human rights in the country.
[52] Continue to promote and protect the fundamental freedoms and human rights of all its citizens.
[53] Consider developing Human Rights Indicators as suggested by the OHCHR as an instrument that allows for a more precise and coherent evaluation of national human rights policies.
[54] Consider increasing the funding of the National Preventive Mechanism, in order to support its work and the detention monitoring activities.
[55] Take concrete measures to ensure the independence of the Constitutional Court and the protection of human rights and fundamental freedoms, and that political pressure is not being applied to judicial decision-making.
[56] Ensure that the implementation of objectives set up in the 2014 National Strategy on Public Education are in line with the objectives and goals of the SDGs.
[57] Ensure the inclusion of human rights and especially children's rights in the public education system, raising awareness about human rights in general.
[58] Develop and implement a National Action Plan on Human Rights to further ensure systematic and comprehensive approach for the promotion and protection of human rights, with the full engagement of the civil society.
[59] Continue to pursue implementation of the UN Basic Principles on the Independence of the Judiciary and repeal all provisions of national law that restrict the Constitutional Court's jurisdiction.
[60] Implement reforms on judicial independence and rule of law recommended by the International Bar Association Human Rights Institute in 2015.
[61] Revise transparency laws to reinstate a freedom of information parliamentary ombudsman, and ex ante reclaiming of labour costs for processing information requests, and limit public institutions' authority to refuse access to public data.
[62] Human rights defenders.
[63] Ensure consultation processes which allow a public debate and interaction with the independent civil society, with sufficient time during the drafting of new laws and public policies.
[64] Engage in consultation with pro-transparency organisations and other relevant stakeholders prior to developing or implementing new legislation on Freedom of Information.
[65] Refrain from targeting or restricting the activities of civil society organisations based on their political affiliation or their receipt of foreign funding.
[66] Adopt measures to comply with provisions of the new Constitution including on combating discrimination and ensuring equal participation in political and public affairs by all citizens.
[67] Improve both formal and informal dialogue and public consultation between the Government and civil society, including on proposed legislation with an impact on human rights.
[68] Review and abolish all legal provisions that restrict the rights of human rights defenders promoting

the rights of the Roma community.

69 Ensure the prompt and independent investigation of all alleged violations against human rights defenders.

70 Remove all administrative and legislative provisions that restrict the rights of the Human Rights Defenders and ensure that civil society organizations can operate freely and without discrimination or undue restriction.

71 Take steps to ensure that civil society organizations freely can access and utilize funding, including from foreign sources.

72 Take measures allowing the exercise of the lawful activities of human rights defenders, in a favourable legal and administrative environment.

73 In nurseries, kindergartens, primary and secondary schools.

74 Continue to provide protection to the family as the natural and fundamental unit of the society.

75 Reconsider policies on family, gender equality and non-discrimination.

76 Provide greater support for poor families and children and reduce social inequality.

77 Amend the legislation on the protection of families in order to widen the definition of family.

78 Continue to implement measures to protect the rights of the child.

79 Enhance measures to protect the rights of children, women and other vulnerable groups.

80 Consider establishing independent mechanism for monitoring children's rights and providing necessary financial resources for its functioning.

81 Step up efforts to establish a mechanism to monitor measures to help address and ameliorate the conditions of women and children.

82 Abandon the practice of corporal punishment of children and encourage non-violent forms of discipline.

83 Take necessary measures for strengthening its specialized juvenile justice system in compliance with the Convention on the Rights of the Child.

84 Continue efforts for the reintegration of former child offenders in the society.

85 Reinstate juvenile courts and raise the age of criminal responsibility to 14 years, for all crimes, in line with international standards.

86 Consider raising the age of criminal responsibility from 12 to 14 years, even for the most serious crimes.

87 Adopt measures to comply with provisions of the new Constitution including on combating discrimination and ensuring equal participation in political and public affairs by all citizens.

88 Take further measures to reduce the inequality between sexes, sensitize the population in this regard and ensure that these measures are effectively implemented.

89 Take concrete measures to improve access to decent work for all women, eliminate all discrimination against women at work, and create more socioeconomic opportunities for disenfranchised women.

90 Continue to make efforts to ensure women's participation in political life and in decision-making.

91 Take additional measures to effectively combat violence against women and promote the participation of women in political life and their insertion in the professional life.

92 Intensify activities aimed at overcoming gender stereotypes.

93 Continue to take action towards a comprehensive gender equality strategy and introduce effective legislative measures to increase women's participation in political life and decision-making.

94 Redouble its efforts towards combating stereotypical division of gender roles in family and society.

95 Introduce effective legislative measures to increase women's participation in political life and decision-making.

96 Establish effective legislative measures, such as quotas, to improve the participation of women in political life and decision-making processes.

97 Adopt a comprehensive, human rights based gender equality strategy.

98 Support the gender integration in all spheres of life.

99 Raise the legal age of marriage for women and men to 18 years.

100 Take further steps to ensure better labour market access and access to basic social and health services for marginalized women, including women with disabilities, Roma women and migrant women.

101 Take additional measures to effectively combat violence against women and promote the participation of women in political life and their insertion in the professional life.

102 Continue efforts, including by raising awareness, in order to prevent domestic violence and violence against women.

103 Take concrete measures to protect child victims of sexual exploitation and prostitution.
104 Adopt a comprehensive law on domestic violence.
105 Consider adopting a law on domestic violence and criminalizing different types of violence against women.
106 Promote public policies to prevent violence against women and girls, including domestic violence and sexual violence.
107 Establish a law to criminalise all forms of violence against women.
108 Define rape criminally based on the lack of voluntary consent in addition to reinforcing and making more accessible to victims the health care services.
109 Criminalize different types of violence against women, to amend the Criminal Code to ensure that rape is defined according to the CEDAW recommendations.
110 Continue to enhance access to sexual and reproductive health services for women, in particular women with disabilities, women with low income, women with HIV/AIDS, and women living in the rural areas.
111 Enact laws and legislation aiming at combating human trafficking.
112 Ensure the prosecution and punishment of perpetrators of human trafficking, and provide adequate assistance and protection services to victims.
113 Continue its efforts in order to strengthen the protection of victims of trafficking.
114 Take steps to reduce and prevent trafficking and provide adequate incentives and protection to victims.
115 Take additional measures to combat trafficking in human beings.
116 Intensify efforts to effectively prevent trafficking in women and girls and strengthen measures for the rehabilitation and social integration of victims of trafficking.
117 Take measures to ensure the effective investigation and prosecution of human trafficking cases and establish remedy procedures for the victims.
118 Strengthen mechanisms to prevent the trafficking in boys and girls and provide the support needed for victims of trafficking to be reintegrated into society.
119 Strengthen efforts to provide access to education, labour market and public life for persons with disabilities.
120 Continue the path regarding positive results achieved in ensuring the rights and equal opportunities of persons with disabilities by, inter alia, allocating sufficient resources for the development of an inclusive education system for children with disabilities and providing sufficient and adequate support services in local communities to enable persons with disabilities to live independently.
121 Consolidate programmes to ensure a system of inclusive education for children with disabilities throughout the country.
122 Take further measures to improve access of persons with disabilities to social, economic and cultural life and combat discrimination on the grounds of disability.
123 Adopt measures in order for any health decision to depend upon the free and informed consent of the concerned disabled person.
124 Review all relevant legislations, including the State's new Fundamental Law to ensure that all persons with disabilities have a right to vote, and that they can participate in political and public life on an equal basis with others.
125 Review legislations to ensure that all persons with disabilities have a right to vote, and that they can participate in political and public life.
126 Adopt and implement a comprehensive strategy and action plan to tackle discrimination based on sexual orientation and gender identity.
127 Adopt a strategy and a comprehensive plan of action to counter discrimination based on sexual orientation and gender identity.
128 Take comprehensive measures to counter discrimination on the grounds of sexual orientation and gender identity.
129 Fight against discrimination based on the origin, gender and sexual orientation, by continuing its efforts in the implementation of the existing instruments.
130 Adopt a comprehensive strategy in order to combat discrimination based on sexual orientation and gender identity.
131 Provide adequate resources and functional independence to the Equal Treatment Authority.
132 Adopt measures to comply with provisions of the new Constitution including on combating

discrimination and ensuring equal participation in political and public affairs by all citizens.

[131] Enact comprehensive legislation that fully guarantees the application of the principle of non-discrimination and to ensure the full enjoyment of all human rights by every member of society.

[132] Provide the national mechanism for the promotion of gender equality of adequate human and financial resources to enable it to effectively fulfil its mandate.

[133] Continue efforts in following up and monitoring any discrimination based on sex, race or any other form.

[134] Children's Centres, Tanoda network, Integrated Pedagogical System, For the Road program, Network of Christian Roma Vocational Boarding Schools. The Hungarian social land program, which is unique in European social policy, has been remodelled and expanded in 2015. Numerous measures programs for the Roma women are in place: Woman is the chance, Roma girls (preventing early school leaving), support Roma women NGOs, improving the health of Roma girls and decreasing the likelihood of their victimization, the Network of Family, Equal Opportunity and Volunteer Houses will be upheld continuously with the primary aim of promoting social tolerance and diversity..

[135] Continue to implement National Social Inclusion Strategy.

[136] Take all the necessary measures to fully implement the National Social Inclusion Strategy.

[137] Take effective measures to address the needs of women belonging to minorities, such as Roma women, in order to eliminate all forms of discrimination against them.

[138] Address the discriminatory situation of women belonging to minorities, including Roma women.

[139] Continue the implementation of Roma integration policies in all social economic cultural political and educational sectors.

[140] Implement a comprehensive plan of action envisaged to protect the rights and improve the life conditions of women and children pertaining to ethnic minorities.

[141] Step up the efforts to combat all forms of discrimination and favour equality of opportunities and treatment, with special care and attention to those who are in a more vulnerable situation, such as persons belonging to the Roma community.

[142] Undertake further steps to promote efforts to overcome residual social discrimination against Roma and other ethnic minorities.

[143] Intensify efforts to combat discrimination and ill-treatment of Roma and eliminate segregation of Roma girls in the educational system.

[144] Include specific components in public policies and budgets to address the needs of persons belonging to minorities, including Roma women and children.

[145] Adopt more policies and allocate more resources specifically directed towards Roma women and children.

[146] Take further steps to address root causes that affect the rights of women belonging to disadvantaged groups.

[147] Take effective steps to end discrimination against Roma in education, health, employment, housing and access to services with a special focus on ending continued segregation of Roma children at schools.

[148] Step up efforts to effectively prevent and combat discrimination of persons belonging to national minorities, in particular regarding their access to education and health care.

[149] Take further steps to eliminate discrimination against the Roma population, especially in the field of education, health, employment, housing and access to services.

[150] Take measures to prevent and eliminate racism, racial discrimination, xenophobia and others.

[151] European Commission for Democracy through Law.

[152] Ensure that, in the context of the new legislation adopted in 2011, following the UPR 2011 recommendations, the self-governments truly represent the persons of national minorities on whose behalf they act.

[153] Take all necessary measures to eliminate racial discrimination and segregation of Roma in education.

[154] Step up efforts to address discrimination and social exclusion faced by persons belonging to the Roma minority with particular emphasis on integrated schooling and social housing.

[155] Continue to pay special attention to issues related to the elimination of discrimination of the Roma who study in the education system.

[156] Continue its efforts to integrate the adult Roma population in the labour market and the Roma children and young people in the regular education system.

159 Take measures to eliminate any discrimination and segregation in the education system against Roma children.

160 Take resolute measures to put an end, without further delay, to the continuing segregation of Roma children at school.

161 Take active measures to prevent actual segregation of Roma students in public and private schools.

162 Strengthen its efforts to promote tolerance and cultural understanding of the Roma population in the aim of eliminating discrimination including in regard to access to education and employment and participation in politics.

163 Continue the work to further social and economic integration of the Roma population, reduce direct and indirect school segregation of Roma children and actively promote Roma participation in society through education.

164 Effectively implement ongoing national policy to guarantee quality education for minority.

165 Ensure that the standards of education in national minorities' languages as well as teaching of minorities languages are the same as the general standards of education in the country.

166 The Jewish Community Roundtable, the consultative forum created in 2011, helps to take joint and efficient action against conducts of anti-Semitism, racism and xenophobia. The Action and Protection Foundation participates in the work of the Roundtable, and its Brussels Institute, commissioned and financed by the Government, continuously monitors anti-Semitic hate crime acts and informs thereof the members of the Roundtable and the Prime Minister's Office, working in close cooperation with the Roundtable. All Government agencies are open and ready for close cooperation with the Jewish organisations.

167 Violent hate crime (§ 216), inciting hatred against a community (§ 332), denial in public of the crimes committed by the National Socialist or Communist regimes (§ 333).

168 Take effective measures to ensure the Hungarian National Police and the hate-crimes expert net improve the enforcement of laws against hate crimes, including by allocating sufficient resources, undertaking thorough investigations and prosecution; and by providing training for the front-line law enforcement.

169 Protect persons who are marginalized and most vulnerable from intolerance, xenophobia, and other forms of discrimination.

170 Carry out the work to eliminate expressions of hatred, racial and religious discrimination.

171 Intensify national efforts to prevent and eliminate all manifestations of anti-Semitism and take resolute measures to condemn hate speech, including against Roma.

172 Take action against the worrying increase and public use of hate speech, most often addressed at migrants, asylum seekers but also civil society organizations and vulnerable groups.

173 Apply effectively policies against racism and hate speech.

174 Implement effectively its legislation and policies against hate speech and hate crimes with particular focus on the human rights protection of Roma, Jews, LGBTIs and other vulnerable groups.

175 Identify efforts to combat all forms of discrimination and to ensure that hate crimes motivated by racism, xenophobia or other forms of discrimination are effectively investigated and perpetrators are brought to justice.

176 Enhance inter-ethnic, inter-religious, and inter-cultural understanding within the society, and ensure access to justice for victims of racial hatred or violence.

177 Further strengthen measures to combat hate speech and hate crime.

178 Strengthen measures to avoid hate speeches of all kinds in political messages and in the media.

179 Combat hate speech and statements stigmatizing refugees and asylum seekers.

180 Prevent and combat racism and hate speech, including through human rights education and training, and by promoting tolerance.

181 Enhance its efforts to prevent and root out all kind of national and ethnic intolerance, as well as condemn any incitement to ethnic and religious hatred and hate speech against the Roma in particular.

182 Implement strategies aimed at tackling hate speech and xenophobia in all its forms.

183 Continue to fight anti-Semitism, and to oppose any attempt to relativize or rehabilitate anti-Semite policies in the past and present.

184 Continue to strengthen measures to promote tolerance and respect for cultural diversity and to counter prejudice, stereotypes, discrimination, racism and Islamophobia.

185 Continue efforts to sensitize the public to combat discrimination on all grounds online to ensure that all rights are respected.

186 Adopt a hate crime investigation protocol and ensure that victims of hate crimes have effective access to the mechanisms of justice and redress.

187 Further step up efforts to publicly condemn hate speech, including against Roma.

188 The Fourth Amendment of the Fundamental Law has added two essential elements to the provision defining freedom of expression. One of these – according to which exercising the freedom of expression and opinion cannot be aimed at violating other person's human dignity. The Amendment stipulates this constitutional principle, and does not overrule earlier constitutional interpretations, which, for instance, established more stringent conditions with respect to public actors. The other innovation of the Amendment provides members of national, ethnic, racial or religious groups the possibility to bring action before the court against any statement considered injurious to the group alleging violation of their human dignity.

189 Ensure that the constitutional amendment prohibiting speech that would violate the dignity of the Hungarian nation cannot be used to silence criticism and limit freedom of expression as guaranteed under the ICCPR.

190 The asylum authority provides accommodation and care for asylum seekers during the asylum procedure including free health care, support for education, housing, social services, the acquisition of citizenship etc.

191 Strengthen its measures to combat racism and discrimination in all its forms against migrants and asylum seekers.

192 Establish a comprehensive integration strategy for migrants, with specific measures to prevent and eliminate racism, racial discrimination, xenophobia and intolerance against migrants irrespective of their status.

193 Continue to take specific measures to prevent and eliminate racism, racial discrimination, xenophobia and intolerance against migrants, refugees and asylum seekers.

194 Redouble efforts to prevent and eliminate racial discrimination, xenophobia and the intolerance against migrants, refugees and asylum seekers.

195 Continue the efforts to combat hate speech, racism, xenophobia and all forms of discrimination against refugees and migrants.

196 Intensify its efforts to combat xenophobia, islamophobia and refugee hatred, and take the necessary measures to condemn hate speech.

197 Take resolute measures to condemn hate speech, racial discrimination, xenophobia and intolerance against all minority groups, migrants and asylum seekers.

198 Take all the necessary measures to combat violence linked to racial discrimination, as well as hate crimes and speeches, including against refugees and migrants.

199 Cease anti-immigration campaigns and rhetoric of incitement to hatred, xenophobia and anti-Semitism and take measures to fight against hate speech and hate crimes in general.

200 Take all steps necessary to ensure that the right to seek asylum is guaranteed for asylum seekers coming to Hungary and that the principle of non-refoulement is respected.

201 Ensure that migrant and asylum-seeking women receive adequate assistance.

202 Advance in measures of assistance and promotion of the rights of migrants, refugees and asylum seekers, in compliance with current international standards.

203 Reform its legislation to ensure full respect of the principle of non-refoulement.

204 Ensure that its legal framework and actions concerning asylum seekers, refugees, and migrants comply with Hungary's international human rights obligations, including with regard to procedural safeguards. This includes repealing those amendments to Hungary's Asylum Law, Law on Criminal Procedure and Criminal Code that are inconsistent with its international human rights obligations.

205 Develop actions that improve the living conditions of asylum seekers and prevent discrimination on the grounds of nationality or country of origin.

206 Continue to improve the living conditions of migrants, refugees and asylum seekers.

207 Ensure the inclusion of a human rights approach in the measures to address the migrant situation, taking into particular account the situation of vulnerable population.

208 Apply a dignified and human treatment that respects the universal principles of human rights for people in situation of human mobility, whether migrants or refugees, with special emphasis on strengthening and implementing policies to address trafficking of persons from a holistic approach , particularly regarding women, children and other vulnerable groups, as well as to combat all forms of discrimination, with measures including complaint an denunciation mechanisms for victims that

enable them to achieve reparations.

209 Ensure that all issues related to migration, asylum seeking and border management are addressed in accordance with respective obligations under applicable international law.

210 Fully respect its obligations under international law by guaranteeing the right to seek asylum through an individual, effective process without discrimination.

211 Improve the capacity to guarantee every person the possibility to request international protection in a legal way, and create conditions for the medical and psychological treatment of asylum seekers, especially those who were victims of torture and violence.

212 Fully implement international Conventions and standards for the protection of refugees and asylum seekers.

213 Work together with the other European States to improve the conditions and treatment given to asylum seekers and refugees.

214 Make every effort to pay due attention to the human rights of asylum seekers and to avoid using disproportionate force on migrants and refugees.

215 Redouble efforts in order to guarantee the respect of the human rights of migrants, including persons under irregular situation.

216 Implement with no exception the principle of non-refoulement in the context of asylum seeking procedures.

217 Comply with the principle of non-refoulement.

218 Take measures to work towards improving the living conditions for refugees and asylum seekers.

219 Strengthen efforts in addressing issues of irregular migrants in the country in line with international human rights law obligations.

220 Improve the living conditions of asylum seekers and step up efforts directed towards improving the treatment of asylum seekers and refugees.

221 Review legislation on the rights of migrants and asylum seekers in accordance with Hungary's obligations under international and European Law and to better apply existing internal rules, namely those related to the handling of unaccompanied children.

222 Make efforts to ensure transparency and consideration for human rights, in particular those of women and children, in its treatment of migrants and refugees.

223 Ensure that enforcement authorities comply with international human rights obligations in the treatment of migrants and asylum seekers, and expedite the judicial process to avoid prolonged detention of migrants and asylum seekers.

224 Continue the efforts to improve the treatment of migrants and asylum seekers.

225 Continue to fulfil its international human rights obligations regarding asylum seekers, refugees and migrants.

226 Till April 2016, out of 10.555 asylum seekers only 892 were detained.

227 Designated place of residence, asylum bail, regular reporting before the refugee authority.

228 Relevant UNHCR recommendations, EU legislation, jurisprudence of the European Court of Human Rights and the Court of Justice of the EU.

229 Seek alternatives to detaining asylum seekers and migrants, particularly children. Take immediate and effective measures to ensure that conditions of detention are fully consistent with UN Standard Minimum Rules for the Treatment of Prisoners.

230 Take immediate action to improve national asylum system, including by elaborating a national action plan, to avoid continuation of harsh conditions of detention and treatment of asylum seekers and refugees.

231 Take all the necessary steps to address the placing of asylum-seeking and migrant children in detention, including by repealing relevant legislation allowing for the detention of families accompanied by children.

232 Take steps to ensure that detention of asylum-seekers is used only in exceptional cases, the procedure for detention is transparent and comprehensible, and that detainees have access to effective legal remedy.

233 Strengthen its efforts to improve the detention conditions of migrants and asylum seekers, including by refraining from excessive use of force, ill-treatment, and prolongation of detention periods; and also to adopt a comprehensive integration strategy for their early stage integration.

234 Eliminate detention in penitentiary establishments of asylum seekers and refugees.

235 Repeal the amendments to the Criminal Code that criminalizes "illegal entry" and introduces "transit

zones" at the border and a list of "safe countries".

230 Ensure the prompt and impartial investigation of any excessive use of force in policing the border operations, including by the military.

231 Lift the measures in force that imply the discrimination and rejection of migrants and refugees, in particular those concerning to the use of force against them.

232 Take measures to address the persistence of preventive detention in police centres and the high risk of ill-treatment.

233 Decriminalize the access to its territory for persons wishing to file a request for asylum, and process the asylum applications individually and in a non-discriminatory fashion, in compliance with its international obligations.

234 Actively participate in the refugee resettlement / humanitarian admission process directly from Turkey to the EU, as this is actually the only way to save lives and crack down criminal networks of smugglers.

241 Repeal the amendments to the Criminal Code that criminalizes "illegal entry" and introduces "transit zones" at the border and a list of "safe countries".

242 Revise the national list of safe countries in order to avoid the high number of unadmitted requests that have been pointed out by the Helsinki Committee of Hungary.

243 Remedy the shortcomings in the media law as expressed by the Venice Commission.

244 Take concrete steps to promote pluralism of the media and their independent work, including the exercise of their watchdog function.

245 Take the necessary measures to promote media pluralism and fight threats against freedom of the press and freedom of expression.

246 Take appropriate measures to further relax restrictions on the freedom of the media.

247 Amend the media law in line with previous recommendations to ensure that all media laws are in line with the right to freedom of opinion and expression.

248 Intensify efforts to prevent overcrowding in prisons.

249 Reduce the length of the initial pre-trial detention phase.

250 Maintain its commitment to the realization of the right to work for all including through technical and vocational training for young people.

251 Ensure that its policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of business involvement in abuses in conflict situations, which includes situations of foreign occupation.

252 Increase level of ODA.

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Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Papua New Guinea

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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List of recommendations examined by Papua New Guinea along with the position taken

Recommendations	*Positions*
104.1	Support[1]
104.2	Noted[2]
104.3	Noted[3]
104.4	Noted[4]
104.5, 104.6	Support[5]
104.7	Support[6]
104.8	Noted[7]
104.9–104.11	Support[8]
104.12	Noted[9]
104.13, 104.14	Noted[10]
104.15	Noted[11]
104.16	Noted[12]
104.17, 104.18	Support[13]
104.19	Support[14]
104.20	Noted[15]
104.21	Noted[16]
104.22	Support[17]
104.23	Noted[18]
104.24	Support[19]
104.25, 104.26	Noted[20]
104.27	Noted[21]
104.28	Support[22]
104.29, 104.30	Noted[23]
104.31	Support[24]
104.32	Support[25]
104.33	Support[26]
104.34	Noted[27]
104.35–104.47	Support[28]

104.48	Support[29]
104.49	Support[30]
104.50	Support[31]
104.51	Support[32]
104.52, 104.53	Support[33]
104.54	Support[34]
104.55	Noted[35]
104.56	Support[36]
104.57	Support[37]
104.58	Support[38]
104.59, 104.60	Support[39]
104.61	Noted[40]
104.62	Support[41]
104.63, 104.64	Support[42]
104.65	Support[43]
104.66	Noted[44]
104.67	Support[45]
104.68	Support[46]
104.69	Noted[47]
104.70	Support[48]
104.71	Support[49]
104.72	Noted[50]
104.73	Support[51]
104.74	Support[52]
104.75–104.79	Noted[53]
104.80–104.91	Noted[54]
104.92, 104.93	Support[55]
104.94, 104.95	Noted[56]
104.96	Support[57]
104.97, 104.98	Support[58]
104.99–104.101	Support[59]
104.102	Support[60]

104.103	Support[61]
104.104	Support[62]
104.105	Support[63]
104.106	Support[64]
104.107, 104.108	Support[65]
104.109	Noted[66]
104.110	Support[67]
104.111	Support[68]
104.112	Support[69]
104.113	Support[70]
104.114	Support[71]
104.115	Support[72]
104.116, 104.117	Support[73]
104.118	Support[74]
104.119	Support[75]
104.120	Support[76]
104.121	Support[77]
104.122–104.124	Support[78]
104.125	Noted[79]
104.126	Noted[80]
104.127	Support[81]
104.128	Support[82]
104.129	Support[83]
104.130	Support[84]
104.131	Support[85]
104.132–104.134	Support[86]
104.135	Support[87]
104.136	Support[88]
104.137	Noted[89]
104.138	Noted[90]
104.139	Noted[91]
104.140	Noted[92]

104.141	Noted[93]
104.142	Support[94]
104.143	Support[95]
104.144	Support[96]
104.145	Support[97]
104.146	Noted[98]
104.147	Support[99]
104.148	Support[100]
104.149	Support[101]
104.150, 104.151	Support[102]
104.152	Support[103]
104.153	Support[104]
104.154	Support[105]
104.155	Support[106]
104.156	Support[107]
104.157	Support[108]
104.158	Support[109]
104.159	Noted[110]
104.160	Support[111]
104.161	Noted[112]

Notes

[1] PNG will ratify all core human rights treaties; however it will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein.

[2] PNG has already ratified Convention on the Rights of Persons with Disabilities and PNG is in the process of ratifying Convention Against Torture.

[3] Death Penalty is in our national law, however despite this, the current Government directive is not to implement until further directions are issued.

[4] Refer to notes under 104.3.

[5] PNG is in the process of ratifying the Convention Against Torture.

[6] PNG will ratify all core human rights treaties; however it will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein. In relation to Convention Against Torture, PNG is in the process of ratifying it.

[7] PNG is already in the process of ratifying Convention Against Torture and in terms of ratification of other human rights instruments; this will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein.

[8] Refer to notes under 104.5.

[9] PNG ratifies on the basis of priorities and therefore will ratify the Convention Against Torture first

before its Optional Protocol.

[10] Refer to notes under 104.12.

[11] This is currently not an issue in PNG.

[12] There are laws already in PNG that criminalize sale of children, child prostitution and child pornography.

[13] PNG intends to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, given the increasing labour mobility globally and to ensure its citizens are protected from immigration related issues.

[14] PNG is committed to ratifying the core international human rights treaties to uphold its international obligations as a State Party. This will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein.

[15] PNG is yet to fully implement the Convention on the Rights of Persons with Disabilities. The focus is currently on capacity building and technical assistance to comply with its obligations under the Convention on the Rights of Persons with Disabilities.

[16] PNG is already a party to CEDAW.

[17] The Government is committed to ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

[18] In terms of ratification of other human rights instruments: this will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein.

[19] Refer to notes under 104.22.

[20] PNG will ratify Human Rights Convention's on the basis of priority considering the human rights issues faced and the unfamiliarity of the instrument which remains a challenge in the country.

[21] Considering the capacity faced in the implementation and reporting of ICESCR, the government will ratify on the basis of priority.

[22] PNG is working towards ratifying the International Labour Organization Convention No.189 concerning Decent Work for Domestic Workers.

[23] The PNG Government will ratify on the basis of priority.

[24] In strengthening the legal framework, PNG has developed the Gender-Based Violence National Strategy (2015–2025) as a measure to institutionalize and enhance all initiatives and efforts against Gender Based Violence in a comprehensive and effective way for the attainment of the ultimate objective of zero-tolerance of Gender Based Violence in PNG.

[25] PNG is implementing the Criminal Code provisions and conducting awareness to facilitate the implementation of the law.

[26] PNG is in the process of ratifying the Convention Against Torture. Furthermore, in the Constitution of PNG torture is prohibited.

[27] Penalization of sexual harassment is provided for under the ***Family Protection Act***.

[28] PNG is committed and is in the process of establishing a Human Rights Commission in accordance with the Paris Principles.

[29] The Government is committed to supporting the work of the Ombudsman Commission; however, there are challenges in the effective implementation of the responsibilities of the Ombudsman Commission.

[30] The law enforcement agencies in PNG already have mechanisms relating to victims and witness protection which is achieved through partnerships with NGOs.

[31] The priorities of the Government have been supported through National policies such as the MTDP's which supports and encourages the increase participation of citizen through businesses through SME's Education ,Health and the establishment of the National service delivery framework. The NSDF will be linked and have prominence given the planning and responsibility Act which will now tie the annual budgets to the MTDP's. MTDP2 supports Procurement reforms; Public Sector reforms which should change the way GoPNG do business in delivering to its people. As such, DNPM agrees to this recommendation.

[32] Education and access to education, especially the rural areas of PNG, is a priority for the Government.

[33] The Government has developed Gender Equality and Social Inclusion Policy, and the National Strategy to Prevent and Respond to Gender Based Violence and the National Policy for Women and Gender Equality. These Policies are currently being implemented.

[34] The Government, with support from Civil Society, is committed to addressing child commercial sexual exploitation. The Government has developed an Action Plan to implement the various policies and programmes on child commercial sexual exploitation. Programs relate to social protection, free education, access to health and safety. However, there is still a need for intense awareness and resources to promote and advance this issue in the country.

[35] The PNG ***Constitution*** recognises our customs and traditional norms and the ***Underlying Law Act 2000*** provides that customary law is recognized as part of our underlying laws except to the extent where it is repugnant to the general principles of humanity.

[36] The government is committed to Racial Discrimination however Racial Discrimination is not a major concern in the country therefore the implementation of CERD has not been done in expected time hence the delay in providing the reports. However, the government will provide and formulate appropriate policy frameworks and mechanisms as and when the need arises.

[37] PNG is working toward strengthening its national mechanism and building its capacity in fulfilling its reporting obligations.

[38] The Government is committed to developing a Core Common Document but will require technical assistance to do so.

[39] The Government is committed to fulfilling its Treaty Reporting obligations. However, there is still a need to build the capacity within Government through technical assistance for the preparation of State Reports.

[40] The PNG **Constitution** provides that citizens are equal regardless of race, tribe, place of origin, political opinion, colour, creed, religion or gender.

[41] Government Policies relating to women issues have a component of comprehensive awareness raising as part of its strategy.

[42] Government has undertaken a review of all its laws to ensure compliance with CEDAW and recommendations have been made to amend and repeal where relevant.

[43] Government is committed to improving gender equality through the various Policies it has developed and the review of laws to be compliant with CEDAW.

[44] PNG laws already support equal participation of women in politics and public life.

[45] To improve participation of women in Parliament, there is work undertaken to encourage political parties to nominate and endorse women candidates. At the provincial and local levels of Government, it is already a requirement of the law to have women representation within those levels of Government.

[46] PNG laws already provide for equality of its citizens regardless of gender, and there is existing Government Policy promoting gender equality in all aspects of public life which is currently implemented by the Government.

[47] PNG laws already provide for equality of its citizens to participate in politics, regardless of gender.

[48] PNG is already implementing Free Tuition Fee Policy for the primary education to encourage boys and girls to have access to education from the national level down to the rural areas.

[49] The Government has developed policies and programmes addressing discrimination and achieving gender equality including promotion of higher education and decision making positions for women. The National Public Service Gender Equity and Social Inclusion (GESI) Policy sets the framework for promotion of gender equity and social inclusion practices across the National Public Service and the Private sector; the Industrial Relations Bill, Employment Relation Bill and the Occupational & Health Bill are guided by the (National Policy for Women and Gender Equity 2011-2015).

[50] Government has already embarked on awareness raising campaigns focusing on women's rights in the country.

[51] This is an ongoing priority of Government through its various policies and programmes.

[52] Government has already taken steps to improve the registration system for the availability of use of vital data and statistics for planning and development purposes through its National Identification Program, reform and review of the National Statistics Office and its enabling law and the PNG National Strategy for Development of Statistics.

[53] LGBT is currently not a priority of the Government.

[54] Refer to notes under 104.3.

[55] The Government is aware of the UN Standard Minimum Rules of the Treatment of Prisoners; however, there are challenges to meeting the international standards.

[56] The Government has already enacted laws and developed polices and strategies relating to Gender

Based Violence and priority is now on implementation and enforcement of these laws and policies.

[57] The Government has developed appropriate legislations and policies for the protection of women and girls from all forms of violence. These laws and policies are being implemented by the relevant government agencies. For example, under the *Marriage Act* and the *Lukautim Pikinini Act*, the marriageable age of a female child has been increased 16 to 18 years old.

[58] Government is working toward enactment of a Gender Equity law, and in terms of Gender Based Violence, Government has already enacted laws and developed policies to address this issue.

[59] Government is committed to addressing Gender Based Violence, through its National Gender Based Violence Strategy; however, there are challenges in terms of implementation.

[60] The Family Protection Act and the National GBV Strategy including other family laws currently under review are responses to the recommendation by the Special Rapporteur on Violence Against Women.

[61] Refer to notes under 104.99. In relation to sorcery the Government is also committed to this and has developed a National Action Plan to address sorcery related violence.

[62] The Government has developed legislations, policies and programmes that are inclusive of marginalized women. Efforts are also being taken to empower marginalized women in the rural areas of PNG.

[63] Refer to notes under 104.99–104.101.

[64] Increasing human and financial investments to support effective implementation of national policies addressing women, gender equality and child protection are priorities for the government under Vision 2050 Roadmap, The National Strategy for Responsible Sustainable Development (STARs) for Papua New Guinea, PNG Women in Business and SME Policy encouraging women and youths to engage in economic activities.

[65] Refer to notes under 104.99.

[66] Corporal punishment has been outlawed in PNG. The review of the laws also caters of the family, inclusive of children such as the ***Lukautim Pikinini Act*** and the Family Protection Act. Implementation, budgetary and political support still remains a challenge.

[67] Under the National GBV Strategy the Government is committed to establish institutions to accommodate for survivors of GBV in the country. Currently, the Government in partnership with NGO's and Churches provide safe houses for survivors.

[68] Refer to notes under 104.99.

[69] The implementation of the Family Protection Act will be done when approval has been given on the regulations which are currently before the cabinet.

[70] The Government is committed to addressing sorcery related violence through the National Action Plan on Sorcery.

[71] Refer to note under 104.133.

[72] Measures are being taken by Law Enforcement agencies to prosecute perpetrators on criminal grounds and FSVU's are established in Police Stations to deal with specifically with gender based violence issues. The National GBV strategy is the Government's response to provide assistance and protection programs for survivors and perpetrators.

[73] Steps have been undertaken by the Government in implementing the Family Protection Act in training and promoting advocacy on the Act.

[74] The GBV Strategy accommodates for access to support center, psycho-social and legal service. Village Court magistrates have also been trained to attend to issues of domestic violence in rural areas. Efforts are being made by the Government to ensure rural areas have access to these services. Refer to notes under 104.115.

[75] In early 2015 the National Department of Education adopted the out of school Children Initiative, with the support of UNICEF and UNESCO to ensure all children especially the marginalized, realize their right to education. This initiative is addressing disparities in access and participation, gender discrimination, conflict and poverty.
Better statistics and innovative tools are needed to ensure government funding for education is implemented effectively in addressing such issues in schools.

[76] The Government through the GVB Strategy and the National Action Plan on Sorcery is committed to addressing domestic violence and violence related to sorcery; however challenges in terms of funding and capacity building deter the full implementation of the strategies.

[77] Continuous collaboration with the relevant stakeholders including the United Nations is in existence

to combat gender based violence and sorcery related violence. Sectorial agencies are aware of their mandated responsibilities and have in place sectorial responses, for example Family Sexual Violence Units at Police Stations and Family Support Centers in the General Hospitals.

[78] Refer to notes under 104.118.

[79] The Government will ratify on the basis of priority considering the constraints faced in National Institutions and processes at the national level. On that note, child prostitution and pornography are criminalized in PNG, and the Courts have taken an active role in addressing this issue.

[80] The ***Lukautim Pikinini Act*** including the ***Family Protection Act*** provides for the protection of the child.

[81] The Government, in partnership with the United Nations, has ensured the transitional process in Bougainville to Autonomous status is without human rights violations under the Peace Agreement.

[82] The Government is committed to addressing all complaints of torture and other human rights violations through the current institutional framework (law enforcement agencies).

[83] The Government has stepped up its efforts to increase the capacity of the police force and to train police personnel on human rights. Efforts are being made by the Police to address abuse and use of excessive force by police.

[84] The Government, in partnership with the Ombudsman Commission, the International Committee of the Red Cross (ICRC), and the United Nations, is continuing its efforts to train law enforcement officers (police) on human rights.

[85] The Government acknowledges the need to address this major issue which remains a challenge due to the lack of coordination and political will.

[86] Refer to notes under 104.115–104.121.

[87] The Security (Protection) Industry Act 2004 provides provisions for private security firms to be accountability. A coordinated and clearly defined National Agency is paramount to address private security firms.

[88] All complaints of violence perpetrated by security forces are dealt as criminal matters however the geographical challenges poses challenges to people living in rural areas to have access to justice.

[89] The Government has complied with the Supreme Court's decision and ceased detention of asylum seekers.

[90] The Government is committed to facilitating training on human rights for law enforcement officials, including measures taken to address human rights violations by law enforcement officials.

[91] There are ongoing efforts by the Government towards the training of public servants on human rights responsibilities and obligations.

[92] The Government has responded by delivering a Water, Sanitation and Hygiene (WaSH) Policy to improve access to water and sanitation services and to change PNG hygiene behavior especially in rural and peri-urban settlement areas. The issue of water access has also been supported in the Medium Term Development Plans (MTDP) and in the National Strategy for Sustainable Development for Papua New Guinea (STaRs) which offers a new development paradigm focusing on PNG's strategic asset.

[93] This is a priority of the government which is been supported under the newborn care and the integrated management of childhood illnesses (IMCI) in partnership with development partners including WHO.

[94] The government is aware of this issue and efforts are still been made to address and contain HIV/AIDs at all levels throughout the country.

[95] There is a continuous effort made by the Government to provide free Anti Retro-viral (ARV) medication for people living with HIV/AIDs. There is also ongoing assistance from international and regional partners.

[96] The Government is committed to providing basic services through the Medium Term Develop Plan 2 (MTDP2). Health, education and law & order are part of the priority sectors of the Government. The planning and monitoring responsibly act ties the national budget to the national plans and provides the legislative basis for service delivery requirements. It also sets the minimum level of service delivery or outputs expected from government agencies and departments.

[97] The mental Health Policy of 2015 has not been fully implemented as a result of the capacity constraints.

[98] Access to healthcare and awareness on reproductive health for women, children, youth and migrants &asylum is supported and promoted at all levels in the country with the support of development

partners and NGOs.

For asylum seekers and refugees the government has provided adequate mental health services in the country.

99 Education is a priority for the government and efforts have been made for programmes to accommodate community life skills, learning in local vernacular and communities to participate in their children's learning. The issue of accessibility to schools is an on-going challenge in PNG, given its widely dispersed communities and geographical challenge.

100 Refer to notes under 104.115–104.121.

101 Although the Government faces challenges in terms of capacity and resources, it is committed in its efforts to achieve its goals of universal education, gender empowerment and free education.

102 National Policy on Disability 2015-2025 in place – focuses on advocacy and service delivery. Community-based rehabilitation centres have been established and training on data collection to commence the development of the database system is ongoing to guide planning and provision of services for persons living with disability.

103 There are existing legal frameworks in place which provides for close consultation with indigenous people in relation to any issues that may affect them.

104 The government is taking steps to review the Forestry and Land-use sectors law and policy to address this issue which occurred as a result of the absence of Agriculture Act and Legislation. This matter has been identified and national consultations are been done to review, assess and strengthen the framework for forestry, environment, and land-use sector law & policy regulatory framework.

105 In effectively undertaking government priorities and projects such as REDD +policies on climate change the government is aware of the need to address institutional challenges relating to forest governance, cross sectoral coordination and involvement of landowners in decision making. These are important to promoting fundamental human rights and environmental protection.

106 Legislative reviews have been undertaken and laws now provide for effective oversight of large scale projects to comply with environmental standards.

107 There is ongoing work to implement Government policies for the protection and conservation of the environment.

108 The government has developed frameworks as a response to the oversight of extractive and logging industries in combating adverse human rights effects and negative impacts on the environment. The Forestry Act and its Regulations have penal provisions to address and monitor the timber industry in PNG. However, prevailing challenges still remain in addressing this issue effectively.

109 Refer to notes under 104.140 and 104.144.

Although the Government faces challenges in terms of capacity and resources, it is an ongoing effort of the Government to address these issues.

110 The PNG government has legal framework in place addressing the rights of migrants and asylum seekers which have been developed in compliance with the UNHCR manual, the refugee determination process and the deportation risk assessment guidelines are in place to underscore the government's commitment.

111 Under the Treaty of Mutual Respect and Cooperation PNG and Indonesia have strengthened cooperation at the Border to control of movement of border crossers by reinforcing administration and border arrangements. The PNG Government is working very closely with the Indonesian government to address this concern.

112 Refer to notes under 104.137.

The Government is continuing efforts to safeguard the human rights of refugees and asylum seekers in PNG in compliance with international norms.